

ALLTEL CORPORATION

655 15th Street N.W.  
Suite 220  
Washington, DC 20005

202-783-3970  
202-783-3982 fax



DOCKET FILE COPY ORIGINAL

May 8, 1998

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

RECEIVED

MAY - 8 1998

Re: Implementation of the Telecommunications Act of 1996;  
Telecommunications Carriers' Use of  
Customer Proprietary Network Information and  
Other Customer Information  
CC Docket No. 96-115

Dear Ms. Salas:

Enclosed for filing on behalf of ALLTEL Communications, Inc. please find an original and twelve (12) copies of its Comments in connection with the above-referenced matter.

Please address any questions respecting this matter to the undersigned counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn S. Rabin". The signature is fluid and cursive, with a large initial "G" and "S".

Glenn S. Rabin

GSR/ss

Enclosures

cc: (w/encl.)  
International Transcription Service, Inc.  
Janice M. Myles

No. of Copies rec'd 0+12  
LW ABCDE

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Implementation of the	)	
Telecommunications Act of 1996:	)	CC Docket No. 96-115
	)	
Telecommunications Carriers' Use	)	
of Customer Proprietary Network	)	
Information and Other Customer	)	
Information	)	

**Comments of ALLTEL Communications, Inc.**

ALLTEL Communications, Inc.<sup>1</sup> ("ALLTEL") hereby submits its comments in support of the Request for Deferral and Clarification filed on April 24, 1998 in the above-referenced matter by the Cellular Telecommunications Industry Association<sup>2</sup> ("CTIA"). ALLTEL commends the Commission for soliciting comment on the CTIA petition in an expeditious manner. ALLTEL endorses and supports the CITA filing.

---

<sup>1</sup> ALLTEL Communications, Inc. is the subsidiary of ALLTEL Corporation through which CMRS, long distance, and other competitive telecommunications services are provided to subscribers. Other affiliates and subsidiaries of ALLTEL Corporation provide wireline local exchange services in various states.

<sup>2</sup> The Commission established the pleading cycle for comment on the CTIA petition as well as a petition and Motion for Stay filed by GTE Service Corporation in Public Notice, DA 98-836 (released May 1, 1998).

As an initial matter, ALLTEL notes that Section 222 of the Communications Act is self-executing and was effective on the date the Telecommunications Act of 1996 became law. No rulemaking was required to implement Section 222; rather, the instant proceeding was initiated in response to the requests for guidance submitted largely by wireline local exchange carriers. Grant of either the motion for deferral of the effective date or the GTE stay request does not therefore undermine the objectives of Section 222 but rather, as noted by CTIA, simply maintains the status quo.<sup>3</sup> In view of the uncertainties<sup>4</sup> and new requirements generated<sup>5</sup> by the new CPNI rules, many of which go well beyond the text of Section 222, preservation of the status quo serves the public interest because it maintains a level playing field for the use of CPNI pending reconsideration and further clarification of the rules. If the competitive CMRS market is to continue to thrive, all carriers must be able to market their services under the same clear and well defined set of rules.

As amply demonstrated by CTIA, the Commission has broad discretion under both the Administrative Procedures Act and its own rules to defer the effective date of

---

<sup>3</sup> In this connection, ALLTEL notes that the Commission has deferred the effective date of the Second Report and Order as it regards enforcement of the safeguard requirements and is currently considering further enforcement mechanisms. While supporting the position that carriers desperately need adequate time to implement the safeguards should they survive reconsideration, ALLTEL is constrained to note that the separation of the effective date of the new rules from that of the enforcement mechanisms, as a purely practical matter, essentially maintains the status quo.

<sup>4</sup> The abundant uncertainty over the scope of the rules is demonstrated by the need for CTIA to request clarification on even the most elemental definitional matter -- whether a simple subscriber list constitutes CPNI. Although ALLTEL believes that a subscriber list of names and addresses does not constitute either CPNI or subscriber list information under the Section 222 definitions, it shares CTIA's request that the rule be clarified.

<sup>5</sup> As noted below, the safeguards required by the Commission are new to many CMRS carriers.

the Second Report and Order.<sup>6</sup> The need for deferral is particularly keen in view of the procedural issues raised by CTIA, notably the lack of notice of the prospective promulgation of new Section 64.2005(b)(3) of the rules and the absence of any record supporting the adoption of the new rule. Similarly, in ALLTEL's view, the application of a time-worn doctrine of wireline regulation to a substantial number of wireless carriers for the first time, rises to the level of arbitrary and capricious decision making. Application of the Computer III doctrine separating information services, CPE, and basic services to CMRS services is, as amply and fully argued by CTIA, without any basis in policy or the record. The new rule ultimately harms both the carriers' ability to compete in the marketplace and the subscribers' ability to receive the service packages they desire at a favorable price.

ALLTEL further advocates deferral of the effective date of the Second Report and Order's safeguard requirements for a period of no less than 180 days so that CMRS carriers may have the time required to adequately develop and implement the detailed safeguards the CPNI rules now require. The Commission placed the safeguard requirements on all carriers largely because subscriber privacy concerns apply regardless of the size of the carrier or market share.<sup>7</sup> The Commission, however, acknowledged that its new CPNI scheme would place additional burdens on those carriers who were not previously subject to the Computer III CPNI requirements and

---

<sup>6</sup> Second Report and Order and Further Notice of Proposed Rulemaking in the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' use of Customer Proprietary Information and Other Customer Information; FCC 98-27 (released February 26, 1998) (the "Second Report and Order")

<sup>7</sup> Second Report and Order at para. 193.

invited small and rural carriers to seek a waiver of the rules where the requirements would be unduly burdensome<sup>8</sup>. ALLTEL is one of a number of such CMRS carriers; it has never been subject to the Computer III CPNI requirements and the safeguard requirements are new to it. The development and implementation of the safeguard systems and the training of personnel will take both time and resources. The eight month deferral period for enforcement of the safeguard requirements is not simply an insufficient amount of time; it is a draconian deadline which augers for haphazard implementation and puts a carrier at risk of non-compliance despite its best efforts. It places a competitive advantage in the hands of those companies with far greater resources and more experience in dealing with CPNI safeguards, which, it should be noted, were instituted to police their greater anticompetitive potential. Deferral of the Second Report and Order's safeguard provisions pending reconsideration would give carriers the needed additional time to comply, should the rules continue to exist or be modified in the wake of reconsideration.<sup>9</sup> The deferral would also conserve the Commission's resources and prevent it from having to rule on waiver requests prior to the expiration of the deferral of the enforcement period.

---


<sup>8</sup> Second Report and Order at para. 194. In this connection, ALLTEL notes that the relief sought by ALLTEL and CTIA for CMRS carriers should be granted to any telecommunications carrier which had previously not been subject to the Computer III CPNI requirements, including ALLTEL's affiliated local exchange companies. In this connection, ALLTEL also supports the substance of the GTE petition.

<sup>9</sup> In this connection, ALLTEL notes that Section 222, while imposing the obligation on carriers to protect CPNI, nowhere requires the extensive set of safeguards which the Commission has now promulgated.

ALLTEL again commends the Commission for its expeditious consideration of the CTIA and GTE filings and looks forward to contributing to the compilation of a complete record on these issues on reconsideration.

Respectfully submitted,

ALLTEL Communications, Inc.

By:   
Glenn S. Rabin


ALLTEL Corporate Services, Inc.  
655 15th Street, N.W.  
Suite 220  
Washington, D.C. 20005

(202) 783-3976

Dated: May 8, 1998

**CERTIFICATE OF SERVICE**

I, Glenn S. Rabin, do certify that on May 8, 1998 copies of the foregoing  
Comments of ALLTEL Communications, Inc. were either hand-delivered, or deposited in the  
U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



Glenn S. Rabin

Robert J Gryzmala  
Counsel for SBC Communications, Inc.  
One Bell Center  
Room 3532  
St. Louis, MO 63101

Irwin A. Popowsky  
Consumer Advocate  
Office of Attorney General  
1425 Strawberry Square  
Harrisburg, PA 17120

Saul Fisher  
NYNEX Telephone Companies  
1095 Avenue of the Americas  
New York, NY 10036

Anthony J. Genovesi  
Legislative Office Bldg.  
Room 456  
Albany, NY 12248-0001

Kenneth Rust, Director  
NYNEX Government Affairs  
1300 I Street  
Suite 400W  
Washington, DC 20005

David L. Meier, Director  
Cincinnati Bell Telephone  
201 E Fourth Street  
Cincinnati, OH 45201-2301

Danny E. Adams  
Kelley, Drye & Warren, L.L.P.  
1200 Nineteenth Street, N.W.  
Suite 500  
Washington, DC 20036

International Transcription Services  
1231 20th Street  
First Floor  
Washington, DC 20036

Jackie Follis  
Senior Policy Analyst  
Public Utility Commission of Texas  
7800 Shoal Creek Boulevard  
Austin, TX 78757-1098

Janice Myles  
Federal Communications Commission  
Common Carrier Bureau  
1919 M Street  
Room 544  
Washington, DC 20554

Charles H. Helein, General Counsel  
Helein & Associates  
Counsel for Americas Telecommunications Association  
8180 Greensboro Drive  
Suite 700  
McLean, VA 22102

Theodore Case Whitehouse  
Willkie, Farr & Gallagher  
Counsel for Association of Directory Publishers  
1155 21st Street, N.W.  
Washington, DC 20036

Albert Halprin  
Halprin, Temple, Goodman & Sugrue  
Counsel for Yellow Pages Publishers Association  
1100 New York Avenue, NW  
Suite 650E  
Washington, DC 20005

Dennis C. Brown  
Brown and Schwaninger  
Small Business in Telecommunications  
1835 K Street, N.W.  
Suite 650  
Washington, DC 20006



David A. Gross  
Airtouch Communications, Inc.  
1818 N Street, N.W.  
Suite 800  
Washington, DC 20036

Mark C. Rosenblum  
AT&T Corporation  
295 North Maple Avenue  
Room 3245I1  
Basking Ridge, NJ 07920

Carl W. Northrop  
Paul, Hastings, Janofsky & Walker  
Counsel for Arch Communications Group  
1299 Pennsylvania Avenue, NW  
10th Floor  
Washington, DC 20004-2400

Bradley Stillman  
Counsel for Consumer Federal of America  
1424 16th Street, N.W.  
Suite 604  
Washington, DC 20036

Randolph J. May  
Sutherland, Asbill & Brennan  
Counsel for Compuserve, Inc.  
1275 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2404

Andrew D. Lipman  
Swidler & Berlin  
Counsel for MFS Communications Co.  
3000 K Street, N.W.  
Suite 300  
Washington, DC 20007

Peter Arth, Jr./Mary Mac Adu  
People of the State of California and  
The Public Utilities Commission of the  
State of California  
505 Van Ness Avenue  
San Francisco, CA 94102

Kathryn Marie Krause  
US West, Inc.  
1020 19th Street, N.W.  
Suite 700  
Washington, DC 20036

Judith St. Ledger-Roty  
Reed, Smith, Shaw & McClay  
1301 K Street, N.W.  
Suite 1100 East Tower  
Washington, DC 20005-3317

Mary McDermott  
United States Telephone Association  
1401 H Street, N.W.  
Suite 600  
Washington, DC 20005

Charles C. Hunter  
Hunter & Mow PC  
Counsel For Telecommunications Resellers Association  
1620 I Street, N.W.  
Suite 701  
Washington, DC 20006

Lawrence W. Katz  
The Bell Atlantic Telephone Companies  
1320 North Court House Road  
Eighth Floor  
Arlington, VA 22201

Catherine R. Sloan  
Worldcom, Inc.  
d/b/a LDDS Worldcom  
1120 Connecticut Avenue, N.W.  
Suite 400  
Washington, DC 20036

Cindy Z. Schonhaut, Vice President Government Affairs  
Intelcom Group (USA) Inc.  
9605 East Maroon Circle  
Englewood, CO 80112

Michael S. Pabian  
Ameritech  
2000 West Ameritech Center Drive  
RM 4H82  
Hoffman Estates, IL 60196

Mark J. Golden  
Vice President of Industry Affairs  
Personal Communications Industry Association  
500 Montgomery Street  
Suite 700  
Alexandria, VA 22314-1561

Ann P. Morton  
Cable & Wireless, Inc.  
8219 Leesburg Pike  
Vienna, VA 22182

Albert H. Kramer/Robert F. Aldrich  
Dickstein, Shapiro & Morin, LLP  
American Public Communications Council  
2101 L Street, N.W.  
Washington, DC 20554

Richard McKenna  
GTE Service Corporation  
600 Hidden Ridge  
Irving, Texas 75015

Teresa Marrero  
Teleport Communications Group, Inc.  
Senior Regulatory Counsel  
One Teleport Drive  
Suite 300  
Staten Island NY 10310

J. Christopher Dance, Vice President Legal Affairs  
Excel Telecommunications, Inc.  
Kerry Tassopoulos, Director of Government Affairs  
9330 LBJ Freeway  
Suite 1220  
Dallas, Texas 75243

M. Robert Sutherland/A. Kirven Gilbert III  
BellSouth Corporation  
1155 Peachtree Street, NE  
Suite 1700  
Atlanta, GA 30309-3610

Gail L. Polivy  
GTE Service Corporation  
1850 M Street, N.W.  
Washington, DC 20036

Jay C. Keithley/Leon M. Kestenbaum  
Michael B. Fingerhut  
Sprint Corporation  
1850 M Street, N.W.  
11th Floor  
Washington, DC 20036

Jonathan E. Canis  
Reed, Smith, Shaw & McClay  
1301 K Street, N.W.  
Suite 1100 East Tower  
Washington, D.C. 20005

Danny E. Adams/Steven A. Augustino  
Kelley, Drye & Warren, L.L.P.  
Counsel for Competitive Telecommunications Assoc.  
1200 Nineteenth Street, N.W.  
Suite 500  
Washington, DC 20036

Michael J. Shortley, III  
Frontier Corporation  
180 South Clinton Avenue  
Rochester, NY 14646

Joseph P. Markoski/Marc Berejka  
Information Technology Association  
Squire, Sanders & Dempsey  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 407  
Washington, DC 20044

Danny E. Adams/Steven A. Augustino  
Kelley, Drye & Warren, L.L.P.  
Counsel for Alarm Industry Comm. Committee  
1200 Nineteenth Street, N.W.  
Suite 500  
Washington, DC 20036

Thomas K. Crowe  
Law Offices of Thomas K. Crowe, P.C.  
Counsel for Excel Telecommunications, Inc.  
2300 M Street, N.W.  
Suite 800  
Washington, DC 20037

Frank W. Krogh  
Donald J. Elardo  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Jonathan E. Canis  
Kelley, Drye & Warren, L.L.P.  
Counsel for Intermedia Communications, Inc.  
1200 Nineteenth Street, N.W.  
Suite 500  
Washington, DC 20036

Elizabeth H. McJimsey  
Attorney for Sprint Spectrum, L.P.  
d/b/a Sprint PCS  
4900 Main Street  
12th Floor  
Kansas City, MO 64112

Genevieve Morelli, VP and General Counsel  
Competitive Telecommunications Association  
1140 Connecticut Avenue, N.W.  
Suite 220  
Washington, DC 20036

Philip L. Malet/James M. Talens  
Steptoe & Johnson, L.L.P.  
Counsel for Iridium North America  
1330 Connecticut Avenue, N.W.  
Washington, DC 20036

Paul Rodgers  
General Counsel  
1201 Constitutional Avenue  
Suite 1102  
Washington, DC 20044